

*Fair Hearings, Section 247.33*

Section 247.33 of the proposed rule would have described those provisions associated with the fair hearing process. No specific comments were received relative to the provisions contained in this proposed section. However, since Federal regulations do not require State agencies to implement a State-level review or rehearing process, § 247.33 of this final rule clarifies that the State or local agency must describe any State-level review or rehearing process in instances when one is available. In addition, § 247.33 of this final rule clarifies that the State or local agency must inform the individual of the right to pursue judicial review of the decision. All other provisions contained in § 247.33 of the proposed rule are retained in this final rule as proposed.

*Management Reviews, Section 247.34*

Section 247.34, as proposed, would have described those provisions associated with management reviews of agencies conducting program activities. To reduce the burden on State agencies in conducting management reviews, § 247.34(a) of the proposed rule would have required that the State agency perform on-site reviews of local agencies and storage facilities at least once every two years, instead of annually. Two commenters strongly concurred with the proposed requirement that the State agency perform on-site reviews of local agencies and storage facilities at least once every two years, instead of annually. Based on the comments received, the provisions contained in § 247.34 of the proposed rule are retained in this final rule as proposed.

*Local Agency Appeals of State Agency Actions, Section 247.35*

Section 247.35 of the proposed rule would have described those provisions associated with appeals by local agencies of State agency actions. Section 247.35 of the proposed rule incorrectly referred to the denial of a local agency's application for participation in the program as an example of a decision that local agencies may appeal. Therefore, reference to denial of a local agency's application for participation in the program is omitted from this final rule. Since no comments were received relative to the provisions contained in § 247.35 of the proposed rule, all other provisions are retained in this final rule as proposed.

*Confidentiality of Applicants or Participants, Section 247.36*

Section 247.36, as proposed, would have described those provisions

associated with the disclosure of applicant and participant information. Since no comments were received relative to the provisions contained in § 247.36 of the proposed rule, they are retained in this final rule as proposed.

*Civil Rights Requirements, Section 247.37*

Section 247.37, as proposed, would have described the Department's civil rights requirements. Since no comments were received relative to the provisions contained in § 247.37 of the proposed rule, they are retained in this final rule as proposed.

**List of Subjects in 7 CFR part 247**

Agricultural commodities, Food assistance programs, Infants and children, Maternal and child health, Public assistance programs, nutrition, women, aged.

■ Accordingly, 7 CFR part 247 is revised to read as follows:

**PART 247—COMMODITY SUPPLEMENTAL FOOD PROGRAM**

Sec.

- 247.1 Definitions.
- 247.2 The purpose and scope of CSFP.
- 247.3 Administering agencies.
- 247.4 Agreements.
- 247.5 State and local agency responsibilities.
- 247.6 State Plan.
- 247.7 Selection of local agencies.
- 247.8 Individuals applying to participate in CSFP.
- 247.9 Eligibility requirements.
- 247.10 Distribution and use of CSFP commodities.
- 247.11 Applicants exceed caseload levels.
- 247.12 Rights and responsibilities.
- 247.13 Provisions for non-English or limited-English speakers.
- 247.14 Other public assistance programs.
- 247.15 Notification of eligibility or ineligibility of applicant.
- 247.16 Certification period.
- 247.17 Notification of discontinuance of participant.
- 247.18 Nutrition education.
- 247.19 Dual participation.
- 247.20 Program violations.
- 247.21 Caseload assignment.
- 247.22 Allocation and disbursement of administrative funds to State agencies.
- 247.23 State provision of administrative funds to local agencies.
- 247.24 Recovery and redistribution of caseload and administrative funds.
- 247.25 Allowable uses of administrative funds and other funds.
- 247.26 Return of administrative funds.
- 247.27 Financial management.
- 247.28 Storage and inventory of commodities.
- 247.29 Reports and recordkeeping.
- 247.30 Claims.
- 247.31 Audits and investigations.
- 247.32 Termination of agency participation.
- 247.33 Fair hearings.

247.34 Management reviews.

247.35 Local agency appeals of State agency actions.

247.36 Confidentiality of applicants or participants.

247.37 Civil rights requirements.

**Authority:** Sec. 5, Pub. L. 93–86, 87 Stat. 249, as added by Sec. 1304(b)(2), Pub. L. 95–113, 91 Stat. 980 (7 U.S.C. 612c note); sec. 1335, Pub. L. 97–98, 95 Stat. 1293 (7 U.S.C. 612c note); sec. 209, Pub. L. 98–8, 97 Stat. 35 (7 U.S.C. 612c note); sec. 2(8), Pub. L. 98–92, 97 Stat. 611 (7 U.S.C. 612c note); sec. 1562, Pub. L. 99–198, 99 Stat. 1590 (7 U.S.C. 612c note); sec. 101(k), Pub. L. 100–202; sec. 1771(a), Pub. L. 101–624, 101 Stat. 3806 (7 U.S.C. 612c note); sec. 402(a), Pub. L. 104–127, 110 Stat. 1028 (7 U.S.C. 612c note); Pub. L. 107–171.

**§ 247.1 Definitions.**

Following is a list of definitions that apply to the Commodity Supplemental Food Program (CSFP).

*Applicant* means any person who applies to receive program benefits. Applicants include program participants applying for recertification.

*Breastfeeding women* means women up to one year postpartum who are breastfeeding their infants.

*Caseload* means the number of persons the State agency may serve on an average monthly basis over the course of the caseload cycle.

*Caseload cycle* means the period from January 1 through the following December 31.

*Certification* means the use of procedures to determine an applicant's eligibility for the program.

*Certification period* means the period of time that a participant may continue to receive program benefits without a review of his or her eligibility.

*Children* means persons who are at least one year of age but have not reached their sixth birthday.

*Commodities* means nutritious foods purchased by USDA to supplement the diets of CSFP participants.

*CSFP* means the Commodity Supplemental Food Program.

*Department* means the U.S. Department of Agriculture.

*Disqualification* means the act of ending Program participation of a participant as a punitive sanction.

*Dual participation* means simultaneous participation by an individual in CSFP and the WIC Program, or in CSFP at more than one distribution site.

*Elderly persons* means persons at least 60 years of age.

*Fiscal year* means the period from October 1 through the following September 30.

*FNS* means the Food and Nutrition Service.